



CORRESPONDENCE

HALIBUT FISHERIES TREATY

PRINTED BY ORDER OF PARLIAMENT



OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1923

CORRESPONDENCE

HALLIBUT FISHERIES TREATY

PRINTED BY ORDER OF PARLIAMENT



PRINTED BY THE
PRINTERS TO THE QUEEN
BY ORDER OF THE QUEEN

RETURN

To Address to His Excellency the Governor General, of the 12th March, 1923, for a copy of all correspondence, papers, communications, cablegrams, telegrams, writings, documents, etc., passing between the Government of Canada or any member thereof and the Government of Great Britain or any member thereof or the representatives respectively of other governments referring to the recent negotiations for and to the execution of a treaty with the United States respecting Halibut Fisheries, and also between the Government of Canada or any member or representative thereof, and the British Ambassador at Washington respecting the same subject.

From H.M. Ambassador, Washington, to the Governor General

Copy

BRITISH EMBASSY,

WASHINGTON, D.C., December 21, 1922.

No. 328.

MY LORD,—With reference to Your Excellency's despatch No. 124 of August 15th last, I have the honour to transmit to you herewith, for the consideration of the Dominion Government, copy of a note which I have received from the Department of State and of a draft convention, based on Article VII of the original draft treaty of 1919, which they propose should be concluded for the protection of the Pacific halibut fishery.

I am also communicating copies of these documents to His Majesty's Principal Secretary of State for Foreign Affairs.

I have the honour to be

My Lord,

Your Excellency's most obedient

humble servant,

(Sgd.) A. C. GEDDES,

His Excellency,
The LORD BYNG OF VIMY, G.C.B.,
Governor-General of Canada,
Ottawa, Canada.

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DEPARTMENT OF STATE,

WASHINGTON, December 14, 1922.

EXCELLENCY,—With further reference to your Embassy's note No. 667 of August 29, 1922, I have the honour to inform you that this Government would be glad to conclude with His Majesty's Government a convention which will deal with the Pacific halibut fishery alone in the manner contemplated by Article VII of the draft treaty concerning port privileges of fishing vessels, protection of halibut fishery, lobster fishing and tariff on fresh fish, which was transmitted to this Department with your Embassy's note No. 815 of November 10, 1919.

Using Article VII of the draft prepared in 1919 as a basis, I have caused to be prepared a draft of a convention for the protection of the Pacific halibut fishery, copies of which are enclosed.

The departure of greatest consequence in the enclosed draft from the proposals with regard to the halibut fishery embraced in Article VII of the draft prepared in 1919 is in the provision in Article I which relates to the disposal required to be made of halibut that may be taken during the proposed close season by fishermen engaged in fishing for other species of fish. It appears to this Government that large opportunity for evasion of the prohibition against fishing for halibut during the close season and escape from the penalties which will be prescribed for violations of the prohibition would exist under the provisions which were proposed in the draft of 1919 permitting halibut taken incidentally while fishing for other species of fish during the close season to be retained and landed and to be sold fresh in the port where landed or to be shipped or transported from the port of landing, provided they are first frozen, canned, or cured. In lieu of these provisions the draft which I herewith present provides in Article I that halibut that may be taken incidentally when fishing for other fish during the season when fishing for halibut is prohibited may be used for food for the crew of the vessel by which they are taken and that any portion thereof not so used shall be landed and immediately turned over to officers of the Department of Commerce of the United States or of the Ministry of Marine and Fisheries of the Dominion of Canada, who will be duly authorized to receive and sell them and required to pay the net receipts into the public treasuries. It is believed that this procedure will operate as an efficient deterrent of evasions of the close season because under it the opportunity for private profit by the sale of halibut taken during the close season is removed.

In Article III of the draft transmitted herewith provision is made for the appointment of an international fisheries commission of the character which would have been appointed under Article IV of the Convention for the Protection of the Sockeye Salmon of the Fraser River System and which under the provisions of Article VII of the draft treaty concerning port privileges of fishing vessels, protection of halibut fisher, lobster fishing and tariff on fresh fish would have been charged with the supervision of the investigation of the halibut fishery, if those two proposed conventions had been perfected. It is believed that the provisions of Article III of the draft enclosed herewith for the appointment of this commission and the investigation into the life history of the Pacific halibut fishery meet the suggestions which were made in your Embassy's note No. 667 of August 29, 1922, with reference to the appointment of such a commission and the making of an investigation and in these particulars would carry out the recommendations of the American-Canadian Fisheries Conference, 1918.

By Article I of the enclosed draft, the term after which the close season may be modified or suspended by a special agreement would be three years instead of four as was contemplated by Article VII of the former draft and by

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Article V the period after which the convention might be terminated on notice by either party would be five instead of fifteen years. It is believed that within the shorter periods the two governments would have available for their consideration the results of the investigations of the joint commission which should aid them in establishing a system of permanent protection of the halibut fishery, and that in general the proposed shorter terms are better adapted to the purposes of a convention dealing with the halibut fishery alone than the longer terms which were accommodated to the conditions concerning port privileges of fishing vessels and other subjects as well as to the halibut fishery.

I should be pleased to be informed of the views of the British and Canadian Governments with reference to the draft which I herewith enclose, and should this draft be acceptable to them to proceed to the signature of the convention at an early date in order that it may, if possible, be submitted to The Senate for its advice and consent to ratification during the present session with a view to establishing the close season in November of next year.

Accept, Excellency, the renewed assurances of my highest consideration.

(Sgd.) CHARLES E. HUGHES.

His Excellency

The Right Honourable

Sir AUCKLAND GEDDES, G.C.M.G., K.C.B., etc., etc.

Enclosure:

Draft of convention.

Draft

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN
CONCERNING HALIBUT FISHERY

The United States of America and His Majesty George V of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Emperor of England, being equally desirous of securing the preservation of the halibut fishery of the Northern Pacific ocean, have resolved to conclude a Convention for this purpose, and have named as their plenipotentiaries:

The President of the United States of America, and His Britannic Majesty, who after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:—

ARTICLE I

The nationals and inhabitants and the fishing vessels and boats, of the United States and of the Dominion of Canada, respectively, are hereby prohibited from fishing for halibut (*Hippoglossus*) both in the territorial waters and in the high seas off the western coasts of the Dominion of Canada and the United States, including Behring sea, from the 16th day of November next after the date of the exchange of ratifications of this Convention, to the 15th day of the following February, both days inclusive, and within the same period yearly thereafter, provided that upon the recommendation of the International Fisheries Commission hereinafter described, this close season may be modified or suspended at any time after the expiration of three such seasons, by a special agreement concluded and duly ratified by the high contracting parties.

It is understood that nothing contained in this Article shall prohibit the nationals or inhabitants and the fishing vessels or boats of the United States and of the Dominion of Canada, from fishing in the waters hereinbefore specified for other species of fish during the season when fishing for halibut in such

waters is prohibited by this Article. Any halibut that may be taken incidentally when fishing for other fish during the season when fishing for halibut is prohibited under the provisions of this article may be retained and used for food for the crew of the vessel by which they are taken. Any portion thereof not so used shall be landed and immediately turned over to the duly authorized officers of the Department of Commerce of the United States or of the Ministry of Marine and Fisheries of the Dominion of Canada. Any fish turned over to such officers in pursuance of the provisions of this Article shall be sold by them to the highest bidder and the proceeds of such sale, exclusive of the necessary expenses in connection therewith, shall be paid by them into the treasuries of their respective countries.

ARTICLE II

Every national or inhabitant, vessel or boat of the United States or of the Dominion of Canada engaged in halibut fishing in violation of the preceding Article may be seized except within the jurisdiction of the other party by the duly authorized officers of either high contracting party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure, or elsewhere, as may be mutually agreed upon. The authorities of the nation to which such person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of the provisions of the preceding Article or of the laws or regulations which either high contracting party may make to carry these provisions into effect, and to impose penalties for such violations; and the witnesses and proofs necessary for such prosecutions, so far as such witnesses or proofs are under the control of the other high contracting party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

ARTICLE III

The High Contracting Parties agree to appoint within two months after the exchange of ratifications of this Convention, a Commission to be known as the International Fisheries Commission, consisting of four members, two to be appointed by each party. This Commission shall continue to exist so long as this Convention shall remain in force. Each party shall pay the salaries and expenses of its own members, and joint expenses incurred by the Commission shall be paid by the two High Contracting Parties in equal moieties.

The Commission shall make a thorough investigation into the life history of the Pacific halibut and such investigation shall be undertaken as soon as practicable. The Commission shall report the results of its investigation to the two Governments and shall make recommendations as to the regulation of the halibut fishery of the North Pacific ocean which may seem to be desirable for its preservation and development.

ARTICLE IV

The High Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this convention with appropriate penalties for violations thereof.

ARTICLE V.

This Convention shall remain in force for a period of five years and thereafter until two years from the date when either of the High Contracting Parties

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shall give notice to the other of its desire to terminate it. It shall be ratified in accordance with the constitutional methods of the High Contracting Parties. The ratifications shall be exchanged in Washington as soon as practicable, and the convention shall come into force on the day of the exchange of ratifications.

In faith whereof, the respective plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at the City of Washington, the day of
in the year of our Lord one thousand nine hundred and

*Paraphrase of Cypher Telegram from the Governor General to His Majesty's
Ambassador at Washington*

Secret.

OTTAWA, 16th January, 1923.

Halibut Fishery. Referring to your despatch of the 21st December last, No. 328, with the following modifications Draft Convention proposed by the United States Government for protection of Pacific Halibut Fishery is acceptable to Government of Canada:

1. Substitute the words "The Dominion of Canada" for the words "Great Britain" in the second line in the heading.

2. Substitute the word "Department" for the word "Ministry" in the second paragraph of Article 1 on page three of the Draft.

3. Add after the words "North Pacific Ocean" the words "including Behring Sea" in the second last line of the second paragraph of Article III on page five of the Draft.

(Sgd.) BYNG OF VIMY.

*Paraphrase of Cypher Telegram from the Governor General to the Secretary of
State for the Colonies*

Secret.

OTTAWA, 16th January, 1923.

Copies of a Draft Convention between the United States and Great Britain concerning the Halibut Fishery, I understand from His Majesty's Ambassador at Washington, were communicated by him to the Foreign Office on or about the 21st December last. With the following modifications this Draft Convention is acceptable to my Government and I have to-day telegraphed to the Ambassador at Washington:

1. Substitute the words "The Dominion of Canada" for the words "Great Britain" in the second line of the heading.

2. Substitute the word "Department" for the word "Ministry" in the second paragraph of Article 1 on page three of the Draft.

3. Add after the words "North Pacific Ocean" the words "including Behring Sea" in the second last line of the second paragraph of Article III on page five of the Draft.

To enable him to sign the Treaty so amended on behalf of the Dominion at an early date, my Government request that the Secretary of State for Foreign Affairs be informed that it is their desire that the necessary full powers be given to the Honourable Ernest Lapointe, K.C., B.A., LL.B., Minister of Marine and Fisheries.

(Sgd.) BYNG OF VIMY.

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From the Governor General to H. B. M. Ambassador at Washington

CANADA

Secret

No. 7

GOVERNMENT HOUSE,

OTTAWA, 23rd January, 1923.

SIR,—With reference to my Secret Telegram of the 16th instant regarding certain modifications which my Government desire to make in the Draft Convention which the United States Government propose should be concluded for the protection of the Pacific Halibut fishery, I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada, upon which my telegram was based, embodying the modifications.

11th January,

P.C. 93

I have the honour to be, Sir,

Your Excellency's most obedient,
humble servant,

(Sd.) BYNG OF VIMY.

His Excellency,

The Right Honourable,

Sir AUCKLAND GEDDES, G.C.M.G., K.C.B.

P.C. 93

CERTIFIED COPY of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 11th January, 1923.

The Committee of the Privy Council have had before them a Report, dated 11th January, 1923, from the Right Honourable the Secretary of State for External Affairs, to whom was referred a despatch from His Majesty's Ambassador at Washington, dated the 21st December, 1922, No. 328, enclosing a draft convention which the United States Government proposed should be concluded for the protection of the Pacific Halibut fishery.

The Secretary of State for External Affairs submits that with the following modifications the proposed draft is acceptable to the Government of Canada;

1. In the second line in the heading substitute for the words "Great Britain" the words "The Dominion of Canada".

2. In the fourth line of the introductory paragraph substitute for the word "England" the word "India".

3. In the second paragraph of Article 1 on Page 3 of the draft substitute for the word "Ministry" the word "Department".

4. In the second last line of the second paragraph of Article III on page 5 of the draft add after the words "North Pacific Ocean" the words "including Behring Sea".

The Committee, concurring, advise that Your Excellency may be pleased to request His Majesty's Ambassador at Washington so to inform the United States Government; and as a copy of the treaty has been already forwarded to the Foreign Office, that Your Excellency may be pleased to communicate the suggested amendments by telegraph to the Secretary of State for the Colonies with the request that the Secretary of State for Foreign Affairs be informed that it is the desire of Your Excellency's advisers that the necessary full powers be

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given to the Honourable Ernest Lapointe, K.C., B.A., LL.B., Minister of Marine and Fisheries, to enable him to sign the treaty, so amended, on behalf of the Dominion of Canada at ~~a~~^{an} early date.

All of which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

From the Governor General to the Secretary of State for the Colonies
CANADA

Secret

GOVERNMENT HOUSE,
OTTAWA, 24th January, 1923.

MY LORD DUKE,—With reference to my Secret Telegram of the 16th instant regarding certain modifications which my Government desire to make in the Draft Convention which the United States Government propose should be concluded for the protection of the Pacific Halibut Fishery, I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada, upon which my telegram was based, embodying the modifications.

11th January,
P.C. 93

I have the honour to be,
My Lord Duke,
Your Grace's most obedient,
humble servant,
(Sd.) BYNG OF VIMY.

The Right Honourable,
The DUKE OF DEVONSHIRE,, K.G.,
Etc., Etc., Etc.,
Secretary of State for the Colonies.

From the Governor General to H.B.M. Ambassador at Washington
OTTAWA, 25th January, 1923.

Telegram.

Code.

Referring to my Despatch January 23rd, No. 7.

Halibut Fishery.—Canadian Government would be grateful if steps can be taken to conclude this convention at earliest possible moment and request Your Excellency so to inform United States Government.

(Sgd.) BYNG.

From the Governor General to the Secretary of State for the Colonies

Telegram.

Code.

OTTAWA, 30th January, 1923.

My telegram January 16th.

Fishery Treaty last paragraph. My Ministers most anxious for reply.

(Sd.) BYNG.

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*Paraphrase of Cypher Telegram from the Governor General to His Majesty's
Ambassador at Washington*

Secret.

OTTAWA, 12th February, 1923.

With reference to my telegram of the 25th January and my Secret despatch No. 7 of the 23rd January. My Ministers request Your Excellency to be good enough to enquire of the United States Government whether it would not be possible to sign the Pacific Halibut Fishery treaty during the present week as the Canadian Government are most anxious to effect conclusion of this Treaty at earliest possible moment.

(Sd.) BYNG.

From His Majesty's Ambassador at Washington to the Governor General
No. 47.

BRITISH EMBASSY,

WASHINGTON, D.C.; February 12th, 1923.

MY LORD,—With reference to your despatch No. 7-Secret, of the 23rd ultimo and to earlier telegraphic correspondence, I have the honour to inform Your Excellency that I have duly informed the United States Government of the modifications which the Canadian Government desire to make in the Draft Convention for the protection of the Pacific Halibut fishery, and I have notified the Secretary of State of the desire of your Ministers to conclude this Convention at the earliest possible moment.

I have the honour to add however that, having regard to the fact that the Treaty as signed will bear no title, its object being plainly expressed in the preamble of the document, I have, under instructions from His Majesty's Government, omitted from my note to Mr. Hughes modification No. 1 proposed by the Canadian Government, namely, the substitution in the title of the words "the Dominion of Canada" for the words "Great Britain".

I have the honour to be,

My Lord,

Your Excellency's most obedient,
humble servant

(Sd.) A. C. GEDDES,

His Excellency,

The LORD BYNG OF VIMY, G.C.B.,

etc., etc., etc.,

Governor-General of Canada,
Ottawa.

From the Governor General to the Colonial Secretary

OTTAWA, February 13, 1922.

Telegram.

Code.

My Ministers most anxious for reply to my telegram January 30 relative to furnishing Minister of Marine and Fisheries with necessary full powers to sign Halibut Fishery Treaty at earliest possible moment.

(Sgd.) BYNG.

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Paraphrase of Cypher Telegram from His Majesty's Ambassador at Washington to the Governor General

Secret.

WASHINGTON, February 13, 1923.

Halibut Convention.—Your telegram of February 12. Government of the United States are equally anxious for early signature and will hasten reply as much as possible. Secretary of State and myself are laid up with influenza, which may render signature during present week difficult.

In signature of Treaty I understand the Canadian Minister of Marine will be with me and will have the full powers necessary.

(Sgd.) GEDDES.

CANADA

Secret

DOWNING STREET, February 13, 1923.

MY LORD,—With reference to Your Excellency's secret despatch of the 24th January and to your telegrams of the 16th and 30th January, I have the honour to transmit to you herewith the Full Powers issued to the Honourable Ernest Lapointe, K.C., B.A., LL.B., in connection with the proposed Convention with the United States for the protection of the Pacific Halibut Fishery.

I have the honour to be,

My Lord,

Your Lordship's most obedient,
humble servant,

(Signed) DEVONSHIRE.

Governor General

His Excellency

General The Right Honourable

LORD BYNG OF VIMY, G.C.B., G.C.M.G., M.V.O.;

etc., etc., etc.

GEORGE R.I.

GEORGE by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, etc., etc., etc.

To all and Singular to whom these Presents shall come, GREETING:

Whereas for the better treating of and arranging certain matters which are now in discussion, or which may come into discussion, between Us and Our Good Friends the United States of America, relating to the regulations of the Pacific Halibut Fishery..... We have judged it expedient to invest a fit person with Full Power to conduct the said discussion on Our Part: Know Ye therefore that We reposing especial trust and confidence in the wisdom, loyalty, diligence and circumspection of Our Trusty and Well-beloved the Honourable Ernest Lapointe, one of Our Counsel learned in the Law, Member of the Parliament of Canada, Member of Our Privy Council for Canada, Minister of Marine and Fisheries of our Dominion of Canada, have named, made, constituted and appointed, as We do by these Presents name, make, constitute, and appoint him Our undoubted Commissioner, Procurator and Plenipotentiary: Giving to him all manner of power and authority to treat, adjust, and conclude, with such Minister or Ministers as may be vested with similar power and authority on the part of Our Good Friends the United States of America, any Treaty, Convention, or Agreement that may tend to the

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attainment of the above-mentioned end,and to sign for us, and in Our Name, everything so agreed upon and concluded, and to do and transact all such other matters as may appertain thereto, in as ample manner and form, and with equal force and efficiency, as We Ourselves could do if personally present: Engaging and Promising upon Our Royal Word that whatever things shall be so transacted and concluded by Our said Commissioner, Procurator, and Plenipotentiary shall subject if necessary to Our Ratification, be agreed to, acknowledged, and accepted by Us in the fullest manner, and that We will never suffer, either in the whole or in part, any person whatsoever to infringe the same, or act contrary thereto, as far as it lies in Our power. In witness whereof We have caused the Great Seal of Our United Kingdom of Great Britain and Ireland to be affixed to these Presents, which We have signed with Our Royal Hand.

GIVEN at Our Court of Saint James the First day of February in the year of Our Lord, one thousand nine hundred and twenty-three and in the Thirteenth year of Our Reign.

[Seal]

Paraphrase of Cypher Telegram from His Majesty's Ambassador at Washington to the Governor General

Secret.

WASHINGTON, February 14, 1923.

Enquiry made by State Department whether Mr. Lapointe will sign Treaty with me. Early reply would be much appreciated. See my telegram of February 13th.

(Sd.) GEDDES.

Copy of Code Telegram from the Secretary of State for the Colonies to the Governor General

Secret.

LONDON, February 15, 1923.

Your telegram January 16th and Your despatch January 24th, Secret.

Full Powers for Mr. Lapointe sent by mail February 13th.

As regards text of Draft Treaty, Secretary of State for Foreign Affairs suggests following modifications:

(1) Title of Treaty to be "Convention for the Regulation of Halibut Fisheries on the Pacific Coast of Canada and the United States."

(2) In accordance with the usual Treaty practice title of His Majesty preamble to read "His Majesty the King of the United Kingdom of Great Britain and Ireland and the British Dominions beyond the Seas, Emperor of India."

Do your Ministers see any objection?

(Sgd.) DEVONSHIRE.

From the Governor General to the Colonial Secretary

Telegram.

Code.

OTTAWA, February 17, 1923.

Halibut Convention.

Modifications suggested in your telegram February 15th, concurred in by Canadian Government.

(Sgd.) BYNG.

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Paraphrase of Cypher Telegram from the Governor General to His Majesty's Ambassador at Washington

OTTAWA, February 17, 1923.

Secret.

Your telegram February 14th.

Halibut Convention.

My Ministers request Your Excellency to inform the United States Department that Mr. Lapointe will sign this treaty, for which purpose full powers have been mailed by the Secretary of State for the Colonies on the 13th instant.

(Sgd.) BYNG.

From the Governor General to His Majesty's Ambassador at Washington

Secret.

Paraphrase of Cypher Telegram.

OTTAWA, February 21, 1923.

With reference to Your Excellency's secret telegrams of the thirteenth and fourteenth instant, relative to the signing of the Halibut Convention, the Secretary of State for the Colonies under date the fifteenth instant, has telegraphed that full powers for Mr. Lapointe were sent by mail on the thirteenth instant. On receipt of these powers, Mr. Lapointe will leave for Washington. My Ministers are of the opinion that as respects Canada, signature of the treaty by Mr. Lapointe alone will be sufficient and that it will not be necessary for you to sign as well.

(Sgd.) BYNG.

From His Majesty's Ambassador at Washington to the Governor General

Secret

Paraphrase of Cypher Telegram

WASHINGTON, February 23, 1923.

Halibut Treaty.—Modifications proposed in your telegram of January 16th are still being considered by United States Government. They expect, however, to give reply to-morrow. Until I am informed that the United States Government are ready to sign it would be preferable that Mr. Lapointe should not actually start. I have been instructed by His Majesty's Government to sign Treaty in association with Mr. Lapointe.

The above is answer to your telegram No. 7 of the 21st of February.

(Sgd.) GEDDES.

From His Majesty's Ambassador at Washington to the Governor General

Secret

Paraphrase of cypher telegram

WASHINGTON, February 27, 1923.

Very urgent.

My telegram No. 9. United States Government accept modifications in Halibut Treaty proposed in your telegram January 16. They are most anxious to sign on the afternoon of Thursday, March 1, in order to obtain ratifications before the Senate rises on March 4. Can Mr. Lapointe be here by that time and what accommodation does he wish reserved? Please telegraph reply.

(Sgd.) GEDDES.

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From His Majesty's Ambassador at Washington to the Governor General

Secret

Paraphrase of cypher telegram

WASHINGTON, February 27, 1923.

Very urgent.

With reference to my telegram 27th February immediately preceding. State Department now inform me it is very desirable if possible to present Halibut Treaty to the Senate on March 1st and enquire whether I can sign the Treaty to-morrow on behalf of Canada. I have thought it best to transmit this message as additional delay of one day may make a difference as regards ratification by Senate. I presume, however, that it would be more satisfactory that Mr. Lapointe should sign with me. Please telegraph.

(Sgd.) GEDDES.

Paraphrase of Cypher Telegram from the Governor General of Canada to the Secretary of State for the Colonies

Very urgent

OTTAWA, February 28, 1923.

Halibut Treaty.—The Full Powers issued to Honourable Ernest Lapointe in connection with proposed convention with United States for protection of Pacific Halibut Treaty have been duly received and transmitted to Mr. Lapointe, who is at present on his way to Washington.

My Ministers are of opinion that, as respects Canada, signature of the Treaty by Mr. Lapointe alone should be sufficient. They proceeded on this assumption in asking for full powers for Mr. Lapointe. Having so notified the British Ambassador at Washington, it was with some surprise that an intimation was received from Sir Auckland Geddes to the effect that he had been instructed by His Majesty's Government to sign the Treaty in association with Mr. Lapointe. Evidently it has been assumed by His Majesty's Government that such was the wish of the Canadian Government. The view of my Ministers, however, is that the Treaty being one of concern solely to Canada and the United States, and not affecting in any particular any imperial interest, the signature of the Canadian Minister should be sufficient, and they would respectfully request that His Majesty's Ambassador at Washington be instructed accordingly.

The Government of the United States having expressed a desire that the Treaty should be signed on the afternoon of Thursday, March first, in order to obtain ratification before the Senate rises on March fourth, it is most important that word should be cabled to Washington with the least possible delay. Sir Auckland Geddes has been advised of this request. Kindly inform me, as soon after the receipt of this message as possible, of the action that may be taken by His Majesty's Government.

(Sgd.) BYNG OF VIMY.

OTTAWA, February 28, 1923.

Paraphrase of Cypher Telegram from the Governor General of Canada to the British Ambassador at Washington

Mr. Lapointe in Toronto to-day, Will proceed this afternoon from Toronto to Washington, arriving probably one-ten tomorrow afternoon, Thursday, March first. He will be joined at Washington about same hour by Mr. Alex. Johnston, Deputy Minister Marine and Fisheries, who is leaving Ottawa this afternoon. Their accommodation has already been reserved at New Willard. Canadian Government is of view that, Treaty being one of concern solely to Canada and

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the United States and not affecting in any particular any imperial interest, signature on behalf of Canada by Mr. Lapointe, who has full powers, should be sufficient. A communication is being sent to-day to His Majesty's Government, expressing hope that His Majesty's Government will concur in this view and advise your Excellency accordingly.

(signed) BYNG OF VIMY.

From the Secretary of State for the Colonies to the Governor General.

Secret

Paraphrase of Cypher Telegram.

LONDON, March 1, 1923.

With reference to your telegram of the 28th February regarding the Halibut Treaty. The wishes of your Ministers are being telegraphed to His Majesty's Ambassador at Washington by the Secretary of State for Foreign Affairs.

(Sd) · DEVONSHIRE.

Copy of Telegram from the Governor General to the Secretary of State for the Colonies

OTTAWA, March 1, 1923.

Secret.

Following from my Prime Minister begins:—

On behalf of my colleagues and myself, I desire to thank Your Grace and Secretary of State for Foreign Affairs for so promptly communicating to His Majesty's Ambassador at Washington the wishes of the Canadian Government with respect to the signing to-day, at Washington, of the proposed halibut Treaty.

Ends.

(signed) BYNG.

No. 82.

BRITISH EMBASSY,

WASHINGTON, D.C., March 9, 1923.

MY LORD:—With reference to Your Excellency's telegram No. 8 of the 28th ultimo and to previous correspondence relative to the Convention for the protection of the Halibut Fishery of the North Pacific Ocean, signed on the 2nd instant, I have the honour to transmit to Your Excellency herewith copy of a note from the United States Government. In this note Mr. Hughes states that the Senate gave its consent on the 4th instant to the ratification of this instrument on the understanding that none of the nationals, inhabitants, vessels or boats of any other part of Great Britain shall engage in the halibut fishery contrary to the provisions of the said Convention.

Mr. Hughes expresses the hope that this "understanding", which the Senate has made part of its resolution of ratification, will be accepted by His Majesty's Government.

The effect of this action on the part of the Senate is to widen the scope of the treaty so as to embrace the Empire as a whole, instead of Canada alone, to which it is understood the Dominion Government intended the Treaty to refer. In view of this development, a copy of the State Department note is being communicated to His Majesty's Principal Secretary of State for Foreign Affairs in

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order to ascertain the views of His Majesty's Government in regard to this "understanding".

Meanwhile I should be grateful if I might be furnished with any observations which Your Excellency may desire to offer on the subject.

I have the honour to be

My Lord,

Your Excellency's most obedient,
humble servant,

(Sgd) A. C. GEDDES.

His Excellency,

The LORD BYNG OF VIMY, G.C.B.,

etc., etc., etc.,

Governor General of Canada,
Ottawa.

DEPARTMENT OF STATE

WASHINGTON, March 5, 1923.

EXCELLENCY,—Referring to the convention for the protection of the halibut fishery of the North Pacific Ocean, signed between the United States and Great Britain on March 2, 1923, I have the honour to inform you that the Senate on March 4, 1923, gave its advice and consent to the ratification of the said convention in a resolution as follows:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive D, Sixty-seventh Congress, fourth session, a convention between the United States and Great Britain, signed on March 2, 1923, for the preservation of the halibut fishery on the Northern Pacific Ocean, including the Bering Sea, subject to the understanding, which is hereby made a part of this resolution of ratification, that none of the nationals and inhabitants and vessels and boats of any other part of Great Britain shall engage in halibut fishing contrary to any of the provisions of this treaty."

Your Excellency will perceive that by this resolution the advice and consent of the Senate to the ratification of the Convention is given subject to the understanding "that none of the nationals and inhabitants and vessels and boats of any other part of Great Britain shall engage in halibut fishing contrary to any of the provisions of this treaty".

I shall be pleased if you will be so good as to bring this action of the Senate to the attention of His Majesty's Government, and express this Government's hope that His Majesty's Government will accept the understanding which the Senate makes a part of its resolution of ratification.

Accept, Excellency, the renewed assurances of my highest consideration.

(Sgd.) CHARLES E. HUGHES.

His Excellency,

The Right Honourable,

Sir AUCKLAND GEDDES, G.C.M.G., K.C.B.,
Ambassador of Great Britain.